

REMARKS

Receipt of the Advisory Action of April 27, 2010 and the Final Office Action of January 15, 2010 is gratefully acknowledged.

Claims 11 and 13 - 20 have been reexamined and finally rejected as follows: claims 11, 14 - 16, 18 and 20 under 35 USC §102(b) by Frey et al; and claims 13, 17 and 19 under 35 USC §103(a) by Frey et al in view of Schmooch.

This application is in immediate condition for allowance. Claims 1 and 20 are amended to include:

"one groove located between the first end of the measuring tube and the second end of the measuring tube and spaced apart from a first widening and spaced apart from a second widening" which the Examiner indicated is not taught by Frey et al.

Furthermore, because the application is in condition for allowance, a Request for Continued Examination is not necessary.

Applicant's representative telephoned the Examiner on August 9, 2010 about the Advisory Action of April 27, 2010.

In the Advisory Action, the Examiner stated that the limitation, "a groove spaced apart from a first and second widening" is not recited in the rejected claim(s).

Applicant's Representative asked the Examiner if the incorporation of "a groove spaced apart from a first and second widening" would place the application in condition for allowance.

The Examiner responded that if Applicant included "one groove located between the first end of the measuring tube and the second end of the measuring tube and spaced apart from the first widening and spaced apart from the second widening" into the claims, that this limitation would place the application in condition for allowance because this limitation is not taught by the reference to Frey et al. The limitation, "one groove located between the first end of the measuring tube and the second end of the measuring tube and spaced apart from the first widening and spaced apart from the second widening" is discussed at page 6, lines 4-7 of the Request for Reconsideration

of April 15, 2010.

The Examiner further stated that it would not be necessary to file a Request for Continued Examination (RCE) because the limitation is placing the application in condition for allowance.

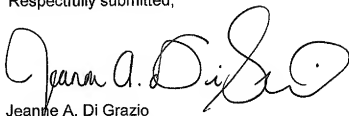
Applicant has amended claims 11 and 20 to recite, "one groove located between the first end of the measuring tube and the second end of the measuring tube and spaced apart from a first widening and spaced apart from a second widening." "The first widening" has been changed to "a first widening" and "the second widening" has been changed to "a second widening" for proper antecedent basis.

Support for the above amendments is found at Figures 3a and 3b and Specification. No new matter is entered.

Accordingly, entry of the present Amendment is most respectfully requested and claims 11, 13, 15 - 17, 19 and 20 allowed.

Respectfully submitted,

Date: August 17, 2010

A handwritten signature in black ink, appearing to read "Jeanne A. Di Grazio". The signature is fluid and cursive, with a large initial "J" and a stylized "D".

Jeanne A. Di Grazio

Registration No. 58,633

BACON & THOMAS
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
S:\Producer\ljd\CLIENTS\Endress+Hauser Holding
GmbH\KAPP3001-FL0224\August 17 Supp Resp.wpd